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628

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,363	12/21/2000	Andrew Kostrzewski	100.232	2371

7590 12/18/2001

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EXAMINER

SHERALI, ISHRAT I

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 12/18/2001

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/745,363

Applicant(s)  
Kostrzewski et al.

Examiner  
Ishrat Sherali

Art Unit  
2621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-31 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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*Election/Restriction*

1. Restriction to one of the following inventions is required under 35 U.S.C 121:

- I. Claims 1-4, drawn to a compression method involving the steps of combining a textured image and a modeled image, classified in class 382, subclass 108.
- II. Claims 5-13, drawn to various image processing system involving the representation of image data with canonical polynomial, isomorphic singularity or singular manifold, class 382, subclass 248.
- III. Claim 14-15, drawn to compression method involving segmenting the image and creating a modeled surface, classified in 382, subclass 242.
- IV. Claims 16-27, drawn to compression method involving determining prediction error between frames and inserting I frames, classified in 375, subclass 240.12.
- V. Claim 28-31, drawn to automatic target recognition, classified in 382, subclass 103.

2. The invention are distinct from each other because of the following reasons:

Invention I, II, III, IV and V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention group I has separate utility such as generating textured image, invention group II has separate utility such as representing image data with polynomial, invention group III has separate utility such as segmenting the image data, invention group IV has separate utility such as determining error between video frames, and invention group V has separate utility such as automatic target recognition.

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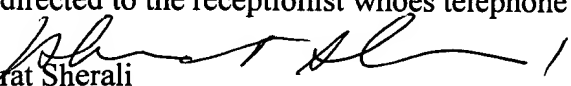
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art shown by classification and recognized divergent subject matter, restriction for the examination purpose as indicated is proper.
4. Applicant is advised that the response to this requirement to be complete must include an election to be examined even though the requirement be traversed (37 CFR 1.43)

***Contact Information***

5 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ishrat Sherali whose telephone number is (703) 308-9589. The examiner can normally be reach on M-F (8:30-5:00).

If attempts to reach the examiner by telephone number are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on (703) 305-4706. The fax phone number for the organization where this application or proceeding is assigned are (703)-872-9314.

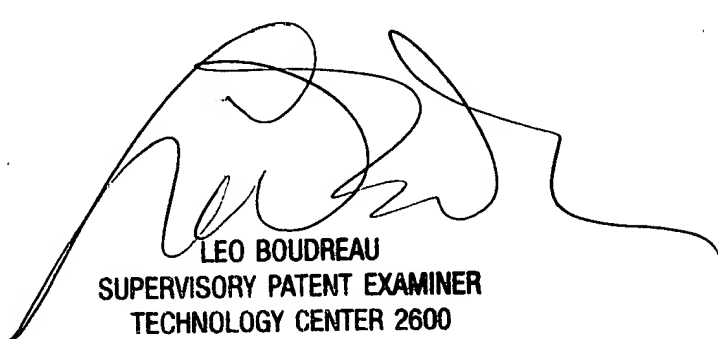
Any inquiry of a general nature relating to the status of this application or proceeding should be directed to the receptionist whoes telephone number is (703)-305-4750.

  
Ishrat Sherali

Patent Examiner

Group Art Unit 2621

December 3, 2001

  
LEO BOUDREAU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600